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|              |                            |  |
|--------------|----------------------------|--|
| Re Applic of | Steven Shyng-Tsong T. Chen |  |
| Docket No.   | FIS9-2004-0211-US1         |  |
| Serial No.   | 10/711,145                 |  |
| Filing Date  | 08/27/2004                 |  |
| Attorney     | H. Daniel Schnurmann       |  |

Attached: Response to Restriction Requirement

## PLEASE DELIVER TO:

EXAMINER: Victor A. Mandala

ART UNIT: 2826

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Nicole Barrese 11/21/05  
Signature & Date

| IN THE UNITED STATES PATENT AND TRADEMARK OFFICE         |   |
|--|---|
| In re application of: Steven Shyng-Tsong T. Chen, et al. | Date: November 21, 2005   |
| Serial Number: 10/711,145                                | Examiner: Victor A. Mandala   |
| Filed: 8/27/2004   | Group Art Unit: 2826  |
| Title: Maintaining Uniform CMP Hard Mask Thickness.      | IBM Corporation<br>D/18G, B/321, Zip 482<br>2070 Route 52<br>Hopewell Junction, NY 12533-6531 |

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated November 04, 2005.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. § 121, stating that the claims belong to:

GROUP I, Claims 17-20, drawn to a semiconductor device, and

GROUP II, Claims 1-16, drawn to a method of forming an interconnect structure.

FIS9-2004-0211-US1

Applicants traverse the aforementioned Restriction Requirement for the following reason:

Applicants submit that the claims as filed are related as a process of fabricating a product. The Restriction Requirement justifies the restriction by vaguely stating that "the process as claimed can be used to make other and materially different products", but fails to list any such "other and materially different products". Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP II, consisting of Claims 1-16 drawn to the method, and withdraw from consideration the claims forming GROUP I, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,  
STEVEN SHYNG-TSONG T. CHEN, ET AL.

By:



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Registration No. 35,791  
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FIS9-2004-0211-US1